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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/050,290

01/16/2002

Kristi Cordova

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05/24/2006

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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EXAMINER

LANEAU, RONALD

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/050,290

Applicant(s)

CORDOVA, KRISTI

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8,10-15,17,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-15,17,18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. The amendment filed on 3/15/06 has been entered. Claims 1-8, 10-15, 17, 18 and 20 remain pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 10-15, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peyrelevade et al (US 2001/0120550 A1) in view of Wong (US 6,343,275 B1).

As per claims 1, 5-8, 11, 15, 17, 18 and 20, Peyrelevade discloses a system including the steps of: at least one reseller's electronic site, each such site arranged to display information pertaining to products that are selectable by a user, said products provided to said reseller from a source independent (fig. 3, 2700) from said reseller (page 9, [0102], lines 5-9); at least one database (fig. 3, 3600) controlled by said independent source (fig. 3, 2700), said database (fig. 3, 3600) arranged to contain information specific to said source's modules that are displayable to said user via said reseller's electronic site (page 6, [0070], lines 1-3); and at least one communication link 2300 controlled jointly by said source and said reseller (fig. 2). Peyrelevade does not electronically distribute and update the reseller sites but Wong discloses electronically distribute the latest version of the data to said reseller, delivering electronically,

Art Unit: 3627

from time to time, as determined by the source location, an updated information from said database to the reseller sites with the timing of said distribution determined by said source (col. 4, lines 22-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the electronic distribution and update of reseller sites as taught by Wong into the system of Peyrelevade because it would provide a software that enables business-to-business web commerce and that automates to the greatest degree possible the various aspects of running a successful and profitable business.

As per claims 2, 3, 10, 12-14, Peyrelevade discloses a system wherein said source-controlled database can communicate to a plurality of electronic sites, each controlled by a different reseller (fig. 3), wherein further comprising means for causing the distribution of product data to a plurality of reseller's electronic sites, such that the product data will be uniformly displayed to an accessing user regardless of which one of said plurality of reseller's electronic sites said user accesses (page 11, [0127], lines 1-6). Peyrelevade further discloses establishing a transactional relationship between a user and said reseller (fig. 3, 2300); receiving from said user a specific request; and communicating said user's request to said source (third party, fig. 3); and said method further including the steps at said source of: receiving user requests from said resellers; and directly fulfilling each said request from said source to said user while still maintaining said established transactional relationship (fig. 3), wherein said maintained transitional relationship controls of payment between said user and reseller (page 9, [0110], lines 1-7).

Art Unit: 3627

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peyrelevade et al (US 2001/0120550 A1) in view of Wong (US 6,343,275 B1) and further in view of Narain et al (US 6,535,506 B1).

As per claim 4, neither Peyrelevade nor Wong discloses at least one second communication link established from said source database to an accessing user at a reseller's electronic site such that said accessing user may receive certain data directly from said source database while said accessing user remains in communication with said reseller's electronic site but Narain discloses a communication link that is different between the source database and the user and between the source database and the reseller site (fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the different communication channel between the source database and the user and between the source database and the reseller site as disclosed by Narain into the combined systems of Peyrelevade and Wong because it would establish simultaneous communication between the user and the reseller allowing separate communication between the source database and the user and between the source database and the reseller.

#### ***Response to Arguments***

5. Applicant's arguments filed on 3/15/06 have been fully considered but they are not persuasive.

Applicant argues that the Wong does not disclose "the timing of said distribution determined by said source." In response to Applicant's arguments, the system of Wong inherently discloses such features because in order for the system to start updating the product

Art Unit: 3627

list in real time, there has to be a source of action that determines the timing of delivery of electronic updates as recited of the product updates. Applicant further argues that claim 15 requires "a communication link ... responsive to a request for an electronic version of a user specified product." In response to Applicant's arguments, a user can request through online transaction a particular product and the system would automatically download the latest version of that said product for the user to view. Furthermore, Applicant argues that Narain does not provide the disclosure nor motivation for a combination with Peyrelevade and Wong but contrary to Applicant's arguments, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Claims 1-8, 10-15, 17, 18 and 20 remain rejected.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3627

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Ronald Laneau*

Ronald Laneau  
Examiner  
Art Unit 3627

5/16/06